



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)

Monday, the Fourth day of April Two Thousand Twenty Two
PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMA(MD). No.564 of 2021

WEB COPY

BHARTI AXA, General Insurance Company Limited
45/1A Rajabarley Building 2nd Floor,
Bypass Road, Near Rathna Market Hospital,
Madurai - 625 010.

Through its Branch Manager.

... Appellant/Second Respondent

Vs

1 POORANAM
2 Vigneshwaran,
3 Raj
4 The Oriental Insurance Company Limited,
82, LKG Complex, First Floor,,
North Car Street, Tenkasi, Tirunelveli,
District, Through Branch Manager.

... Respondents 2-4/Respondents 1,3 & 4

Prayer:-

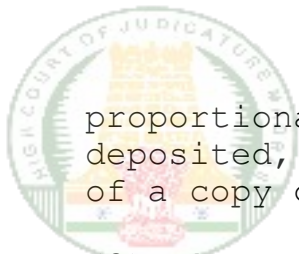
Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award dated 25.02.2021 made in M.C.O.P.No.585 of 2015, on the file of the Motor Accident Claims Tribunal Authority/The Special Subordinate Judge, Tirunelveli.

DECREE:-

This Civil Miscellaneous Appeal having come up for final hearing on Wednesday thirtieth day of March, Two Thousand Twenty Two upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and upon hearing the arguments of Mr.V.Sakthivel Advocate for the Appellant and of Mr.T.Lenin Kumar for Mr.E.Chandrasekaran Advocate for the First Respondent and Respondents 2 and 3 not appeared either in person or by an advocate the appellant/insurance company having deposited the 50% of the award amount, and having stood over consideration till this day, this court while allowing the Appeal in part and modifying the award passed by the Tribunal below, doth order and decree as follows:

(1)that the award of the Motor Accident Claims Tribunal, Special Subordinate Judge, Tirunelveli dated 25.02.2021 made in M.C.O.P.No.585 of 2015 be and are hereby reduced from Rs.14,30,000/- to Rs.12,19,000/- (Rupees twelve lakhs and nineteen thousand only) with interest at 7.5% p.a.from the date of claim petition till the date of realisation;

(2) that the appellant/Insurance company be and is hereby directed to deposit the balance of the modified award amount with



proportionate accrued interest and costs, less the amount already deposited, within a period of eight weeks from the date of receipt of a copy of this order;

(3) That on such deposit being made, the claimant be and is hereby permitted to withdraw the award amount so deposited, together with the interest accrued thereon, after filling necessary application before the Tribunal; and

(4) That there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

The Special Subordinate Judge,
Motor Accident Claims Tribunal, Tirunelveli.

Copy to:

The Section Officer,
V.R. Section,

Madurai Bench of Madras High Court, Madurai - 2 Copies

+1 CC to M/s.E.CHANDRASEKARAN, Advocate (SR-16296 /2022)

+1 CC to M/s.T. LENIN KUMAR, Advocate (SR-16495 /2022)

+1 CC to M/s.V. SAKTHIVEL, Advocate (SR-16512 /2022)

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DECREE

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CMA(MD).No.564 of 2021

Nature of Decree:- Partly
Allowing the Civil
Miscellaneous Appeal the award
passed by the Motor Accidents
Claims Tribunal Authority /
The Special Subordinate Judge
Tirunelveli, dated 25/02/2021
and made in MCOP.No.585 of
2015, and etc., stated within.